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(Taiwan) Co., Ltd., TPV International (USA), Inc.,  
TPV Electronics (Fujian) Co., Ltd., Top Victory  
Electronics (Fujian) Co., Ltd., and Envision  
Peripherals, Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

TOP VICTORY ELECTRONICS  
(TAIWAN) CO., LTD., a Taiwanese  
corporation; TPV INTERNATIONAL  
(USA), INC., a California corporation;  
TPV ELECTRONICS (FUJIAN) CO.,  
LTD., a Chinese corporation; TOP  
VICTORY ELECTRONICS (FUJIAN)  
CO., LTD., a Chinese corporation; and  
ENVISION PERIPHERALS, INC., a  
California corporation,

Plaintiffs,

v.

HITACHI, LTD., a Japanese corporation;  
INPRO LICENSING SARL, a  
Luxembourg SARL,

Defendants.

Case No. CV 10-01579 CRB

**DECLARATION OF NICHOLAS J. WHILT  
IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO MOTION TO DISMISS**

1 I, NICHOLAS J. WHILT, declare and state as follows:

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3 1. I am an attorney licensed to practice law in the State of California and a member of  
4 the bar of this Court. I am associated with the law firm of O'Melveny & Myers LLP, counsel  
5 herein for plaintiffs Top Victory Electronics (Taiwan) Co., Ltd., TPV International (USA), Inc.,  
6 TPV Electronics (Fujian) Co., Ltd., Top Victory Electronics (Fujian) Co., Ltd., and Envision  
7 Peripherals, Inc. (collectively, "Plaintiffs" or "TPV"). All of the facts set forth herein are known  
8 to me personally, and if called as a witness, I could and would competently testify thereto.

9 2. Attached hereto as **Exhibits 1-8** are true and correct copies of printouts from the  
10 United States Patent & Trademark Office's ("USPTO") website showing the Assignment  
11 Abstract of Title for U.S. Patent Nos. 5,502,497, 5,534,934, 5,828,417, 6,037,995, 6,549,243,  
12 6,693,966, 7,012,769, and 7,286,310, respectively. Exhibits 1-8 indicate that on May 25, 2010,  
13 an assignment was executed naming Hitachi, Ltd. ("Hitachi") as the assignor and Hitachi  
14 Consumer Electronics Co., Ltd. ("HCE") as the assignee, and was recorded with the USPTO at  
15 Reel 024456, Frame 0748. Exhibits 1-8 also reflect that on August 9, 2010, following the filing  
16 of the motion to which this declaration relates, Hitachi recorded with the USPTO an instrument  
17 purportedly executed on May 26, 2009, which instrument was recorded at Reel 024812, Frame  
18 0008 on August 9, 2010. TPV has thus far been unable to obtain a copy of this instrument  
19 through the USPTO.

20 3. Attached hereto as **Exhibits 9-10** are true and correct copies of printouts from the  
21 USPTO's website showing the Assignment Abstract of Title for U.S. Patent Nos. 6,185,228, and  
22 6,600,870, respectively. Exhibits 9-10 indicate that on May 25, 2010, an assignment was  
23 executed naming Hitachi as the assignor and HCE as the assignee, and was recorded with the  
24 USPTO at Reel 024445, Frame 0332. Exhibits 9-10 also reflect that on August 9, 2010,  
25 following the filing of the motion to which this declaration relates, Hitachi recorded with the  
26 USPTO an instrument purportedly executed on May 26, 2009, which instrument was recorded at  
27 Reel 024812, Frame 0008 on August 9, 2010. TPV has thus far been unable to obtain a copy of  
28 this instrument through the USPTO.

1           4. Attached hereto as **Exhibit 11** is a true and correct copy of a printout from the  
2 USPTO's website showing the Assignment Abstract of Title for U.S. Patent No. 6,388,713.  
3 Exhibit 11 indicates that on May 25, 2010, an assignment was executed naming Hitachi as the  
4 assignor and HCE as the assignee, and was recorded with the USPTO at Reel 024456, Frame  
5 0744. Exhibit 11 also reflects that on August 9, 2010, following the filing of the motion to which  
6 this declaration relates, Hitachi recorded with the USPTO an instrument purportedly executed on  
7 May 26, 2009, which instrument was recorded at Reel 024812, Frame 0008 on August 9, 2010.  
8 TPV has thus far been unable to obtain a copy of this instrument through the USPTO.

9           5. Attached hereto as **Exhibit 12** is a true and correct copy of the Assignment dated  
10 May 25, 2010 for U.S. Patent Nos. 5,502,497, 5,534,934, 5,828,417, 6,037,995, 6,549,243,  
11 6,693,966, 7,012,769, and 7,286,310 recorded with the USPTO at Reel 024456, Frame 0748.

12           6. Attached hereto as **Exhibit 13** is a true and correct copy of the Assignment dated  
13 May 25, 2010 for U.S. Patent Nos. 6,185,228, and 6,600,870 recorded with the USPTO at Reel  
14 024445, Frame 0332.

15           7. Attached hereto as **Exhibit 14** is a true and correct copy of the Assignment dated  
16 May 25, 2010 for U.S. Patent No. 6,388,713 recorded with the USPTO at Reel 024456, Frame  
17 0744.

18           8. Attached hereto as **Exhibit 15** is a true and correct copy of a printout of Defendant  
19 Inpro Licensing SARL's ("Inpro") website at <http://www.inprolicensing.com/>.

20           9. Attached hereto as **Exhibit 16** is a true and correct copy of a presentation entitled,  
21 "Information for Patent Owners" that is available on Inpro's website at  
22 <http://www.inprolicensing.com/patents/Partners.pdf>.

23           10. Attached hereto as **Exhibit 17** is a true and correct copy of a printout of the State  
24 Bar of California's webpage for Philip N. Cardman at  
25 [http://members.calbar.ca.gov/search/member\\_detail.aspx?x=56695](http://members.calbar.ca.gov/search/member_detail.aspx?x=56695).

26           11. Attached hereto as **Exhibit 18** is a true and correct copy of a printout of the  
27 California Secretary of State, Business Search webpage for California Corporation Inpro IP  
28 Services, Inc. at <http://kepler.sos.ca.gov/cbs.aspx>.

1  
2 I declare under penalty of perjury under the laws of the United States of America that the  
3 foregoing is true and correct.  
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5 Executed this 20th day of August, 2010 at Los Angeles, California.  
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7 /s/ Nicholas J. Whilt

Nicholas J. Whilt  
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